

AO 91 (Rev. 5/85) Criminal Complaint

United States District Court

DISTRICT OF MASSACHUSETTS

2005-06-30 A 10:14

UNITED STATES OF AMERICA

V.

Emiliano Gonzales

U.S. DISTRICT COURT
DISTRICT OF MASSACHUSETTS

CRIMINAL COMPLAINT

CASE NUMBER: 05-mj-634-KPN

(Name and Address of Defendant)

I, the undersigned complainant being duly sworn state the following is true and correct to the best of my knowledge and belief. On or about June 20, 2005 in Hampden county, in the Massachusetts defendant(s) did, (Track Statutory Language of Offense) travel in interstate commerce with the intent to avoid prison for a felony offense in the state of Massachusetts

in violation of Title 18 United States Code, Section(s) 1073

I further state that I am a(n) Special Agent with FBI and that this complaint is based on the following facts:

See attached affidavit

Continued on the attached sheet and made a part hereof: Yes No

SA Neil Barker, FBI
Signature of Complainant

Sworn to before me and subscribed in my presence,

June 30, 2005
Date

at Springfield, Massachusetts
City and State

United States Magistrate Judge
Kenneth P. Neiman

Name & Title of Judicial Officer

Kenneth P. Neiman
Signature of Judicial Officer

A F F I D A V I T

I, Nick Barbara, being duly sworn, deposes and says:

1. I am a Special Agent (SA) with the Federal Bureau of Investigation (FBI), and have been so employed for approximately fourteen years. I am currently assigned to the Springfield Resident Agency, Boston Division, and conduct various criminal investigations including fugitive investigations.

2. On June 22, 2005, William M. Bennett, District Attorney, Hampden County, Springfield, Massachusetts, requested FBI assistance in locating Emilio Gonzales ("Gonzales") who fled the Commonwealth of Massachusetts to avoid prosecution for a felony offense.

3. On June 20, 2005, the grand jury sitting in Hampden County returned a two count Indictment (Indictment No. 05-525) charging Gonzales with: 1) trafficking cocaine over 100 grams; and 2) trafficking cocaine in excess of 200 grams in violation of Mass. Gen. Laws ch 94C sec. 32. Both offenses are felonies under Massachusetts law. Copies of the Indictment and the arrest warrant for the trafficking cocaine charges are attached as Exhibits A and B respectively.

4. During the months of May and June 2005, Sergeant John T. Michel of the Massachusetts State Police received information from a reliable source of information regarding the location of Gonzales. This source wishes to remain anonymous for the safety of himself/herself and the safety of his/her family. This source

of information has given information in the past regarding Gonzales that has been corroborated by investigating officers and has proven to be true. This source of information will hereinafter be referred to as SOI-1.

5. SOI-1 advised that Gonzales has a girlfriend by the name of Elizabeth Paul who advised SOI-1 that Gonzales is hiding from police in the Montreal area of Canada. SOI-1 stated that Gonzales's mother lives in Canada and Gonzales is being helped by other family members that live in the area. SOI-1 stated that Elizabeth Paul has traveled to Canada twice in the past month and visited Gonzales. SOI-1 also advised that Elizabeth Paul and her family are scheduled for a trip to Montreal Canada on July 22, 23, and 24. During this family trip Gonzales is planning to show the Paul family around the Montreal area.

6. More recently, within the past few days, Sergeant Michel received information from another source of information, hereinafter referred to as "SOI-2," relating to the location of Gonzales. SOI-2 stated that s/he has received information from a subject who in the past was a partner with Gonzales in his cocaine distribution organization. The SOI-2 advised that Gonzales's partner has received information that Gonzales is hiding in Canada from the police and from people involved in organized crime. SOI-2 wishes to remain anonymous for the safety of himself/herself and the safety of his/her family. SOI-2 has

cooperated with law enforcement by making controlled purchases of illegal narcotics and has provided information that has led to the seizure of multi-kilograms of cocaine, large amounts of U.S. currency and numerous motor vehicles. Information provided by SOI-2 has directly led to the arrest of numerous defendants with cases pending in area courts.

5. District Attorney Bennett has advised that his office will extradite Gonzales if he is apprehended outside the District of Massachusetts.

6. Based on the foregoing facts there is probable cause to believe that Gonzales unlawfully fled the State of Massachusetts to avoid prosecution for the felony offenses listed in paragraph 3 above.

SA Nick Barbara, FBI
NICK BARBARA
Special Agent
Federal Bureau of Investigation

Subscribed and sworn to before me this 30th day of June, 2005.



KENNETH P. NEIMAN
United States Magistrate Judge